

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Rafael Beriguete	§	
Plaintiff	§	Case No.: 1:12-cv-01559-JPO
v.	§	
State Recovery, Inc.	§	
Nissan Motor Acceptance Corporation	§	
Asset Management Outsourcing Recoveries, Inc. d/b/a AMO Recoveries	§	
U.S. Recoveries d/b/a NYC Recoveries	§	
Defendants	§	

**Affidavit For Entry of Default Against Defendant Asset Management Outsourcing
Recoveries, only**

I, Ahmad Keshavarz, declare under penalty of perjury, as provided or by the laws of the United States, 28 U.S.C. § 1746, that the following statements within my personal knowledge are true and correct:

1. I am a member of the Bar of this Court and am associated with the firm of The Law Office of Ahmad Keshavarz, attorneys for plaintiff in the above-entitled action and I am familiar with all the facts and circumstances in this action.
2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default against defendant.
3. This is an action to recover damages for violations of the Fair Debt Collection Practices Act by five Defendants: State Recovery, Inc.; Nissan Motor Acceptance Corporation; Asset Management Outsourcing Recoveries; U.S. Recoveries; and Chuck McQuistion; and for violations of the Uniform Commercial Code.
4. Jurisdiction of the subject matter of this action is based on federal question jurisdiction under the Fair Debt Collection Practices Act. The Court has supplemental jurisdiction under 28 U.S.C. §1337 over Plaintiff's state law claim for violations of the Uniform Commercial Code because said claims are so related to the claims within the Court's original jurisdiction that they form part of the same case or controversy under Article 3 of the United States Constitution.
5. This action was commenced on March 2, 2012 by the filing of the summons and original complaint.
6. Plaintiff filed an amended complaint on August 29, 2012, adding Defendant Asset Management Outsourcing Recoveries.

7. A copy of the summons and complaint were served on Defendant Asset Management Outsourcing Recoveries by personal service on Amy Lesch, an agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of Asset Management Outsourcing Recoveries. Docket Entry # 26.
8. Attached and incorporated by reference is DE 26, the affidavit of service attesting service was perfected on September 14, 2012.
9. Attached and incorporated by reference if the ECF notice dated October 02, 2012 stating that the deadline for Defendant Asset Management Outsourcing Recoveries to answer was on October 5, 2012.
10. However, Defendant Asset Management Outsourcing Recoveries has not answered the complaint and the time for the defendant to answer the complaint has expired.

WHEREFORE, plaintiff requests the entry of Default as to Defendant Asset Management Outsourcing Recoveries.

Dated: Brooklyn, New York
October 9, 2012

/s/

Affiant
Ahmad Keshavarz

Index # 1:12-cv-01559-

Attorney(s):

Purchased/Filed: August 12, 2012

AFFIDAVIT OF SERVICE ON A CORPORATION BY THE SECRETARY OF STATE

State of New York

U. S. District Court

Southern Dist. County

Rafael Beriguete,

Plaintiff

against

State Recovery, Inc., et al.,

Defendant

STATE OF NEW YORK)
COUNTY OF ALBANY) SS
CITY OF ALBANY)**DESCRIPTION OF PERSON SERVED:**

Approx. Age: 30 Yrs.

Weight: 160 Lbs. Height: 5' 9" Sex: Female Color of skin: White

Hair color: Blonde Other: _____

Paula Cole, being duly sworn, deposes and says: deponent is over

the age of eighteen (18) years; that on September 14, 2012, at 2:45 pm, at the office of the

Secretary of State of the State of New York in the City of Albany, New York deponent served
Summons in a Civil Action & First Amended Complaint and Jury Demand

on Asset Management Outsourcing Recoveries, Inc. d/b/a AMO Recoveries, the

Defendant in this action, by delivering to and leaving with Amy Lesch,

AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the

Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of

making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service

was made pursuant to Section BUSINESS CORPORATION LAW §306.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Sworn to before me on this

14th day of

September, 2012

NANCY L. GORDON
NOTARY PUBLIC, State of New York
No. 01GO4503730, Rensselaer County
Commission Expires June 30, 2015

Paula Cole

Invoice Work Order # 1215514

Index # 1:12-cv-01559-

Attorney(s):

Purchased/Filed: August 12, 2012

AFFIDAVIT OF SERVICE ON A CORPORATION BY THE SECRETARY OF STATE

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Paula Cole

, being duly sworn, deposes and says: deponent is over the age of eighteen (18) years; that on September 14, 2012, at 2:45 pm, at the office of the Secretary of State of the State of New York in the City of Albany, New York deponent served Summons in a Civil Action & First Amended Complaint and Jury Demand

on U.S. Recovery, Inc. d/b/a NYC Recovery, Inc., the

Defendant in this action, by delivering to and leaving with Amy Lesch, AUTHORIZED AGENT in the Office of the Secretary of State, of the State of New York, personally at the Office of the Secretary of State of the State of New York, two (2) true copies thereof and that at the time of making such service, deponent paid said Secretary of State a fee of 40 dollars; That said service was made pursuant to Section BUSINESS CORPORATION LAW §306.

Deponent further says that deponent knew the person so served as aforesaid to be the agent in the Office of the Secretary of State of the State of New York, duly authorized to accept such service on behalf of said defendant.

Sworn to before me on this

14th day of September, 2012

NANCY L. GORDON
NOTARY PUBLIC, State of New York
No. 01GO4503780, Rensselaer County
Commission Expires June 30, 2015

Paula Cole

Invoice Work Order # 1215512

Ahmad Keshavarz

From: NYSD_ECF_Pool@nysd.uscourts.gov
Sent: Tuesday, October 02, 2012 12:30 PM
To: CourtMail@nysd.uscourts.gov
Subject: Activity in Case 1:12-cv-01559-JPO Beriguete v. State Recovery, Inc. et al Summons
Returned Executed

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

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U.S. District Court

Southern District of New York

Notice of Electronic Filing

The following transaction was entered by Keshavarz, Ahmad on 10/2/2012 at 12:30 PM EDT and filed on 10/2/2012

Case Name: Beriguete v. State Recovery, Inc. et al
Case Number: [1:12-cv-01559-JPO](#)
Filer: Rafael Beriguete
Document Number: [26](#)

Docket Text:

SUMMONS RETURNED EXECUTED Summons and Amended Complaint, served. Asset Management Outsourcing Recoveries, Inc. served on 9/14/2012, answer due 10/5/2012. Service was accepted by Amy Lesch, Authorized Agent, Office of Secretary of State of the State of New York. Document filed by Rafael Beriguete. (Keshavarz, Ahmad)

1:12-cv-01559-JPO Notice has been electronically mailed to:

Ahmad Keshavarz ahmad@newyorkconsumerattorney.com, austinconsumerattorney@gmail.com

Andrew Jesse Furman afurman@chartwelllaw.com

David Alan Brodsky dbrodsky@greenwaldlaw.com, lydia@greenwaldlaw.com

Jack Gross jgross@chartwelllaw.com

John Leo Russo johnlawny@msn.com

1:12-cv-01559-JPO Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description: Main Document

Original filename: n/a

Electronic document Stamp:

[STAMP_dcecfStamp_ID=1008691343 [Date=10/2/2012] [FileNumber=10566145-0] [1bd3fbbe91a405b46e0741c39a765adf5b2dd87b56448ae6049cce4ca3b9cfb445074a68ccbb0039dff2efbe14d02ef5ee3ea11a3e896ab6c85887b94b16b7d]]